

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**FILED**  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENN.

OCT 05 2016

BY *Res*  
DEPUTY CLERK

UNITED STATES OF AMERICA	)	
	)	No. <u>3:16-00199</u>
v.	)	
	)	
[1] JOHN ROBERTS	)	18 U.S.C. § 371
[2] CORY WILSON	)	18 U.S.C. § 641
a/k/a JASON C. WILSON	)	18 U.S.C. § 1343
[3] MICHAEL BARLOW	)	18 U.S.C. § 1956(a)(1)(i)
[4] JONATHAN WOLFORD	)	22 U.S.C. § 2278(b)(2)
[5] KYLE HEADE	)	18 U.S.C. § 2
[6] ALEXANDER HOLLIBAUGH	)	
[7] DUSTIN NELSON	)	
[8] AARON WARNER	)	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

At all times material to this Indictment:

Background

1. Ft. Campbell was a U.S. Army installation located in the Middle District of Tennessee and in the Commonwealth of Kentucky.
2. Defendant [1] **JOHN ROBERTS** was a civilian residing in Clarksville, Tennessee who sold stolen U.S. Army property on eBay.
3. Defendant [2] **CORY WILSON** was a civilian residing in Clarksville, Tennessee who sold stolen U.S. Army property on eBay.
4. Defendant [3] **MICHAEL BARLOW** was a U.S. Army soldier (Sergeant) stationed at Ft. Campbell.

5. Defendant [4] **JONATHAN WOLFORD** was a U.S. Army soldier (Sergeant) stationed at Ft. Campbell.

6. Defendant [5] **KYLE HEADE** was a U.S. Army soldier (Specialist) stationed at Ft. Campbell.

7. Defendant [6] **ALEXANDER HOLLIBAUGH** was a U.S. Army soldier (Specialist) stationed at Ft. Campbell.

8. Defendant [7] **DUSTIN NELSON** was a U.S. Army soldier (Specialist) stationed at Ft. Campbell.

9. Defendant [8] **AARON WARNER** was a U.S. Army soldier (Specialist) stationed at Ft. Campbell.

10. "Seller 3" was a civilian residing in Clarksville, Tennessee who sold U.S. Army property on eBay.

#### Conspiracy

11. Beginning sometime in or around 2013 and continuing until in or around February 2016, in the Middle District of Tennessee and elsewhere, defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER** did knowingly and willfully combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to commit an offense against the United States – namely, knowingly and willfully stealing or converting property of the United States valued at more than \$1,000, knowingly and willfully receiving, concealing, or retaining property of the United States valued at more than \$1,000, knowing such property to have been stolen or converted, and knowingly and willfully selling, conveying, or disposing of property of

the United States valued at more than \$1,000 without authority, in violation of Title 18, United States Code, Section 641.

12. In furtherance of this conspiracy, defendants [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER** stole U.S. Army equipment and sold U.S. Army equipment to certain individuals, including defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON**, without authority. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** received and possessed U.S. Army equipment that had been stolen or sold without authority, listed and sold such equipment via eBay, and shipped and exported such equipment.

13. Members of the conspiracy purchased and sold certain U.S. Army equipment that is never offered for sale by the U.S. Department of Defense as surplus. For example, members of the conspiracy purchased and sold firearm components, advanced communications headsets, and laser / optical sights that were classified by the U.S. Department of Defense as “DEMIL D,” meaning that these items must be destroyed by the military and cannot be sold or conveyed. Examples of “DEMIL D” firearm components purchased and sold by members of the conspiracy include the following: sight for M203 grenade launcher, trigger group for M240 machine gun, rail adapter for M249 machine gun, magazine adapter for M249 machine gun, barrel heat shield for M249 machine gun, barrel assembly for M249 machine gun, and pintle mount for M240 or M249 machine gun.

#### Objects of the Conspiracy

14. The objects of the conspiracy were to steal and convert U.S. Army property, to receive, possess, retain, and conceal stolen U.S. Army property, to sell and convey U.S. Army property, and to profit from the sale of U.S. Army property.

Manner and Means

15. It was a part of this conspiracy and the manner and means by which the conspiracy was accomplished that defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER**:

- a) Stole U.S. Army equipment – including machine gun parts, laser sights, grenade launcher sights, body armor, combat helmets, communication devices, medical equipment, and printer ink – from the U.S. Army installation at Ft. Campbell;
- b) Communicated with each other and with other individuals regarding the acquisition, purchase, and sale of U.S. Army equipment, including via in-person communications, text messages, phone calls, and other electronic communications.
- c) Purchased and received U.S. Army equipment that was sold without authority by soldiers stationed at Ft. Campbell and by others;
- d) Sold and conveyed U.S. Army equipment without authority;
- e) Possessed and retained U.S. Army equipment that, collectively, was valued at more than \$1,000,000 in various locations in Clarksville, Tennessee, including a warehouse and storage unit;
- f) Offered U.S. Army equipment for sale on eBay;
- g) Sold weapons components, body armor, sensitive communications equipment, and other items to eBay buyers located within the United States and overseas (including buyers in Russia, China, Hong Kong, Kazakhstan, Ukraine, Lithuania, Moldova, Malaysia, Romania, and Mexico), without conducting

background checks on the buyers or obtaining any information about how or by whom such equipment would be used;

- h) Shipped U.S. Army equipment domestically and abroad;
- i) Exported U.S. Army equipment to foreign nations without obtaining the required license or authorization; and
- j) Obtained and shared proceeds from the sale of U.S. Army equipment.

Overt Acts

16. In furtherance of the conspiracy, members of the conspiracy – including defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER** – committed the following overt acts, among others:

- a) On or about March 22, 2013, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** exchanged text messages regarding dealing in tactical vests and interceptor body armor.
- b) On or about March 23, 2013, defendant [2] **CORY WILSON** listed numerous Norotos NVG (“night vision goggle”) mounts, advertised as “brand new,” for sale via eBay. These items were later sold to various eBay buyers.
- c) On or about March 24, 2013, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** exchanged text messages regarding an individual who wants to sell items including an ACH (“Advanced Communication Headset”).

d) On or about March 24, 2013, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** exchanged text messages regarding an individual who had told **ROBERTS** that buying “American style plates” is a crime.

e) On or about May 7, 2013, defendant [1] **JOHN ROBERTS** exchanged text messages with an individual listed in his phone as an “E5” (*i.e.*, a sergeant) from whom **ROBERTS** had previously agreed to purchase U.S. Army equipment, including helmets and tactical vests. **ROBERTS** and this individual planned to meet so that **ROBERTS** could purchase [armor] plates, a combat helmet, and other U.S. Army equipment. The individual informed **ROBERTS** that “where i just got that shit was craaaaazy risky,” and **ROBERTS** responded “I can only imagine. I wondered about that. I imagine its pretty locked up.”

f) On or about June 14, 2013, defendant [1] **JOHN ROBERTS** caused an “Army Special Forces” sensored ACH helmet to be listed for sale via eBay.

g) On or about September 21, 2013, defendant [1] **JOHN ROBERTS** caused a Peltor Comtac Advanced Communication Headset kit, advertised as “New,” to be listed for sale via eBay. This item was later purchased by an eBay buyer.

h) On or about November 1, 2013, defendant [2] **CORY WILSON** listed ballistic bullet proof body armor plates for sale via eBay.

i) On or about March 23, 2014, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** exchanged text messages regarding eBay cancelling a listing of bipods because they were a component of an assault weapon. **WILSON** indicated that he relisted these items under a different description, and **ROBERTS** replied that “eBay cops blow.”

j) On or about April 7, 2014, defendant [1] **JOHN ROBERTS** caused a trigger group for the M240 machine gun, advertised as “NEW,” to be listed for sale eBay for the price of \$399.

k) On or about June 16, 2014 defendant [1] **JOHN ROBERTS** caused a combat plate carrier (*i.e.*, a personal armored vest), advertised as “Special Forces” and “combat used,” to be listed for sale via eBay for the price of \$649.99.

l) On or about June 22, 2014, defendant [1] **JOHN ROBERTS** caused the sale of a Gentex Flight helmet face mask, advertised as “new” and “USGI” (*i.e.*, U.S. Government Issued), via eBay to a buyer in China.

m) On or about August 25, 2014, defendant [2] **CORY WILSON** sold a Gentex flight helmet anvis mount, advertised as “new” and “USGI,” via eBay to a buyer in Russia.

n) On or about August 27, 2014, defendant [2] **CORY WILSON** listed two Peltor Comtac ACH kits, advertised as “new factory sealed,” for sale via eBay. These items were later sold to two eBay buyers.

o) On or about September 19, 2014, defendant [1] **JOHN ROBERTS** caused a rail adapter kit for the M249 machine gun, advertised as “USGI REAL,” to be listed for sale via eBay.

p) On or about October 18, 2014, defendant [1] **JOHN ROBERTS** caused the sale of a Peltor dual-communication ACH kit via eBay to a buyer in Russia.

q) On or about October 27, 2014, defendant [1] **JOHN ROBERTS** caused a Wilcox Industries NVG helmet mount that he had sold via eBay for \$625 to be shipped to an address in the Netherlands. **ROBERTS** caused the contents of the shipment to be

misrepresented on the accompanying Custom's Declaration form as a "motorcycle helmet mount," and caused the value of this item to be misrepresented as \$125.

r) On or about October 29, 2014, defendant [1] **JOHN ROBERTS** caused a "US Army" HGU- 56P Gentex flight helmet with communications gear to be listed for sale via eBay for the price of \$550.

s) On or about November 16, 2014, defendant [1] **JOHN ROBERTS** caused a bipod for use with the M240 or M249 machine gun, advertised as "USGI" and "NEW," to be listed for sale via eBay. This item was later sold to an eBay buyer.

t) On or about November 20, 2014, defendant [1] **JOHN ROBERTS** caused a sight for the M203 grenade launcher, advertised as "authentic USGI," to be listed for sale via eBay. This item was later sold to an eBay buyer.

u) On or about December 2, 2014, defendant [1] **JOHN ROBERTS** caused collapsible buttstocks for the M249 machine gun to be listed for sale via eBay.

v) On or about January 8, 2015, defendant [1] **JOHN ROBERTS** sent an email to an eBay customer in Germany regarding the potential purchase of 200 Norotos NVG helmet mounts.

w) On or about January 11, 2015, defendant [1] **JOHN ROBERTS** caused a Norotos NVG helmet mount to be shipped to an address in India.

x) On or about February 8, 2015, defendant [1] **JOHN ROBERTS** caused a magazine adapter for the M249 machine gun, advertised as "USGI" and "NEW," to be listed for sale via eBay. This item was later sold to an eBay buyer.



y) On or about February 16, 2015, defendant [1] **JOHN ROBERTS** caused a buffer tube assembly for the M249 machine gun to be listed for sale via eBay. This item was later sold to an eBay buyer.

z) On or about March 2, 2015, defendant [1] **JOHN ROBERTS** caused a short barrel assembly for the M249 machine gun to be listed for sale via eBay. This item was later sold to an eBay buyer.

aa) On or about March 28, 2015, defendant [2] **CORY WILSON** shipped a Gentex flight helmet mount to an eBay buyer in Japan.

bb) In or around April 2015, defendant [3] **MICHAEL BARLOW** conveyed a U.S. Army helmet to Seller 3.

cc) On or about April 4, 2015, defendant [1] **JOHN ROBERTS** caused a machine gun barrel heat shield replacement, advertised as "REAL USGI," to be listed for sale via eBay.

dd) On or about May 30, 2015, defendant [2] **CORY WILSON** listed a Gentex HGU-56P flight helmet, advertised as "never worn," for sale via eBay.

ee) On or about August 5, 2015, defendant [2] **CORY WILSON** sold a Gentex flight helmet anvis mount, advertised as "new" and "USGI," via eBay to a buyer in Kazakhstan.

ff) On or about April 24, 2015, defendant [1] **JOHN ROBERTS** caused a barrel assembly for the M249 machine gun to be listed for sale via eBay.

gg) On or about June 3, 2015, defendant [1] **JOHN ROBERTS** caused a 100 lot of Quik Clot Combat Gauze, advertised as "New," to be listed for sale via eBay for the price of \$3,425.

hh) On or about June 25, 2015, defendant [2] **CORY WILSON** listed a carrying case for an M24 sniper rifle for sale via eBay. This item was later sold to an eBay buyer.

ii) On or about July 9, 2015, defendant [2] **CORY WILSON** listed a pintle mount (*i.e.*, a rifle mount designed to allow the rifle to rotate or elevate while remaining in a fixed position) for use with the M240 or M249 machine gun, advertised as “military issue,” for sale via eBay.

jj) On or about July 13, 2015, defendant [1] **JOHN ROBERTS** caused a pintle mount for use with the M240 or M249 machine gun, advertised as “military issue,” to be listed for sale via eBay.

kk) On or about July 31, 2015, defendant [2] **CORY WILSON** listed a sniper telescope with tripod and carrying case for sale via eBay. This item was later sold to an eBay buyer for the price of \$1,000.

ll) In or around August 2015, defendant [8] **AARON WARNER** stole U.S. Army equipment from Ft. Campbell. Among the equipment stolen were printer ink cartridges and flight helmets.

mm) In or around August 2015, defendant [8] **AARON WARNER** sold U.S. Army equipment that had been stolen from Ft. Campbell to defendant [2] **CORY WILSON**.

nn) In or around August 2015, defendant [3] **MICHAEL BARLOW** conveyed approximately 30 M249 machine gun barrels that had been stolen from Ft. Campbell to a retail store in Clarksville, Tennessee in connection with a transaction arranged by Seller 3.

oo) In or around August 2015, defendant [6] **ALEXANDER HOLLIBAUGH** participated in the theft of certain U.S. Army equipment from Ft. Campbell. The stolen equipment included M144 telescopic rifle sights, boxes of tourniquets, and packs of combat gauze.

pp) On or about August 4, 2015, defendant [1] **JOHN ROBERTS** caused a sniper telescope with tripod and carrying case to be listed for sale via eBay for the price of \$1,499.

qq) On or about August 17, 2015, defendants [1] **JOHN ROBERTS** and [5] **KYLE HEADE** exchanged text messages regarding the sale of stolen U.S. Army equipment, including an M144 telescopic rifle sight.

rr) On or about August 18, 2015, defendant [2] **CORY WILSON** listed a grip for the M249 machine gun, advertised as “USGI” and “new”, for sale via eBay. This item was later sold to an eBay buyer.

ss) On or about September 4, 2015, defendants [1] **JOHN ROBERTS** and [5] **KYLE HEADE** exchanged text messages regarding U.S. Army equipment that had belonged to a recently-disbanded brigade.

tt) On or about September 11, 2015, defendant [1] **JOHN ROBERTS** caused an M144 mount, advertised as “USGI” and “Sniper Military,” to be listed for sale via eBay. This item was later sold to an eBay buyer.

uu) On or around September 14, 2015, defendant [2] **CORY WILSON** sent an email to an eBay buyer who had identified himself as an officer in the Thailand armed forces and who provided an address at a Thai Navy Airfield. In this email, **WILSON**

indicated that he would comply with buyer's request to describe an artificially low price on the shipping label when shipping a flight helmet to Thailand.

vv) On or about September 14, 2015, defendant [1] **JOHN ROBERTS** caused at least 25 "red dot" aimpoint sights for the M2 machine gun to be listed for sale via eBay.

ww) On or about September 23, 2015, defendant [2] **CORY WILSON** listed a combat rifle scope for sale via an eBay account. This item was later purchased by an eBay buyer for the price of \$575.

xx) On or about September 27, 2015, defendant [2] **CORY WILSON** listed a Gentex AH-64 Apache Flight Helmet for sale via eBay. This item was later sold to an eBay buyer for \$800.

yy) In or around October 2015, defendant [3] **MICHAEL BARLOW** conveyed a generator that had been stolen from Ft. Campbell to Seller 3.

zz) On or about October 1, 2015, defendant [1] **JOHN ROBERTS** caused a Gentex HGU-56P flight helmet, advertised as "USGI" and "Special Forces," to be listed for sale via an eBay account for the price of \$675.

aaa) On or about November 4, 2015, defendant [1] **JOHN ROBERTS** caused a 75 lot of Quik Clot Combat Gauze, advertised as "USGI," to be listed for sale via an eBay account for the price of \$1,500.

bbb) On or about December 17, 2015, defendant [2] **CORY WILSON** sold a Gentex flight helmet anvis mount, advertised as "new" and "USGI," via eBay to a buyer in China.

ccc) On or about January 3, 2016, defendants [2] **CORY WILSON** and [4] **JONATHAN WOLFORD** exchanged text messages regarding the type of medical supplies that **WILSON** wanted.

ddd) On or about January 13, 2016, defendants [2] **CORY WILSON** and [4] **JONATHAN WOLFORD** exchanged text messages regarding M240 machine gun barrels.

eee) On or about January 14, 2016, defendant [1] **JOHN ROBERTS** caused a “red dot” sight for the M4 assault rifle to be listed for sale via eBay. This item was later sold to an eBay buyer.

fff) On or about January 19, 2016, defendant [2] **CORY WILSON** listed a Peltor Comtac Advanced Communication Headset kit, advertised as “New In Box,” for sale via eBay. This item was later purchased by an eBay buyer for the price of \$500.

ggg) Between on or about February 5, 2016 and on or about February 8, 2016, defendants [2] **CORY WILSON** and [4] **JONATHAN WOLFORD** exchanged text messages regarding trauma sensors that **WILSON** sought to purchase.

hhh) On or about February 6, 2016, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** possessed stolen U.S. Army equipment at a warehouse that they shared in Clarksville, Tennessee, including .50 caliber machine gun barrels, laser sighting systems, a flight data recorder, combat helmets, body armor, and medical supplies.

iii) On or about February 8, 2016, defendant [2] **CORY WILSON** possessed stolen U.S. Army equipment at his residence and at a storage unit in Clarksville, Tennessee, including rifle scopes, M249 rifle barrels, infrared aiming devices, flight helmets, and night vision goggle helmet mounts.

jjj) On or about February 8, 2016, defendants [4] **JONATHAN WOLFORD** and [7] **DUSTIN NELSON** exchanged text messages regarding the timing of selling another box of equipment to defendant [2] **CORY WILSON**.

kkk) On or about February 11, 2016, defendant [1] **JOHN ROBERTS** possessed stolen U.S. Army equipment at his residence in Clarksville, Tennessee, including ballistic vests, medical supplies, combat helmets, and rifle scopes.

lll) On or about February 22, 2016, defendant [4] **JONATHAN WOLFORD** sent text messages regarding weapons parts.

mmm) On or about February 24, 2016, defendants [4] **JONATHAN WOLFORD** and [7] **DUSTIN NELSON** exchanged text messages regarding the planned sale of stolen items.

nnn) On or about February 24, 2016, defendant [4] **JONATHAN WOLFORD** possessed stolen U.S. Army equipment in his automobile in Clarksville, Tennessee, including M249 machine gun barrels.

ooo) In or around February 2016, defendant [7] **DUSTIN NELSON** possessed stolen U.S. Army equipment at a storage unit in Clarksville, Tennessee, including trigger assemblies and M249 machine gun parts.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH EIGHTEEN

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 16 of Count One of this Indictment are incorporated by reference as if fully set forth herein.

2. Beginning in or around 2013 and continuing until in or around March 2016, defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** devised and intended to devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, and in furtherance thereof used and caused the use of interstate wires.

3. It was part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** maintained a warehouse in Clarksville, Tennessee for the storage of U.S. Army property that they listed for sale via eBay.

4. It was further part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** conducted transactions in property that had been taken without authority from the U.S. Army installation at Ft. Campbell.

5. It was further part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** engaged in electronic communications regarding property that had been taken without authority from the U.S. Army installation at Ft. Campbell.

6. It was further part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** each maintained multiple eBay accounts for use in selling property that had been taken from the U.S. Army installation at Ft. Campbell. When eBay suspended accounts used by **ROBERTS** and **WILSON** for violating eBay policy by listing improper items for sale, **ROBERTS** and **WILSON** would continue to list U.S. Army property using their alternate eBay

accounts. **ROBERTS** and **WILSON** also used alternate descriptions of property to avoid detection by eBay.

7. It was further part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** caused certain property that had been taken from the U.S. Army installation at Ft. Campbell and that had been sold without authority to be listed for sale on eBay.

8. It was further part of the scheme that defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** concealed the fact that the property listed for sale on eBay had been taken from the U.S. Army installation at Ft. Campbell and sold without authority.

9. It was further part of the scheme that defendant [1] **JOHN ROBERTS** sold more than \$500,000 worth of merchandise via eBay – much of which had been taken from the U.S. Army installation at Ft. Campbell.

10. It was further part of the scheme that defendant [2] **CORY WILSON** sold more than \$300,000 worth of merchandise via eBay – much of which had been taken from the U.S. Army installation at Ft. Campbell.

11. On or about the dates set forth below with respect to each count, in the Middle District of Tennessee and elsewhere, the defendant listed below as to each count, for the purpose of executing the scheme, and attempting to do so, did knowingly cause to be transmitted by means of wire communication in interstate commerce, writings, signs, signals, and pictures, namely:

Count	Defendant	Date of Wire	Description of Interstate Wire
2	[1] <b>JOHN ROBERTS</b>	June 14, 2013	Listing of “Army Special Forces” sensored ACH helmets for sale on eBay.
3	[1] <b>JOHN ROBERTS</b>	April 7, 2014	Listing of trigger group for an M240 machine gun, advertised as “NEW,” for sale on eBay.



Count	Defendant	Date of Wire	Description of Interstate Wire
4	[1] JOHN ROBERTS	September 19, 2014	Listing of rail adapter kits for a M249 machine gun, advertised as "USGI REAL," for sale on eBay.
5	[1] JOHN ROBERTS	November 20, 2014	Listing of sights for M203 grenade launcher, advertised as "USGI," for sale on eBay.
6	[1] JOHN ROBERTS	February 8, 2015	Listing of magazine adapters for the M249 machine gun, advertised as "USGI" and "NEW," for sale on eBay.
7	[1] JOHN ROBERTS	April 4, 2015	Listing of a M249 machine gun barrel heat shield replacement, advertised as "REAL USGI," for sale on eBay.
8	[1] JOHN ROBERTS	April 24, 2015	Listing of a barrel assembly for the M249 machine gun for sale on eBay.
9	[2] CORY WILSON	June 25, 2015	Listing of carrying case for an M24 sniper rifle for sale on eBay.
10	[2] CORY WILSON	July 9, 2015	Listing of pintle mount for use with the M240 or M249 machine gun, advertised as "military issue," for sale on eBay.
11	[1] JOHN ROBERTS	July 13, 2015	Listing of pintle mount for use with the M240 or M249 machine gun, advertised as "military issue," for sale on eBay.
12	[2] CORY WILSON	July 31, 2015	Listing of sniper telescope with tripod and carrying case for sale on eBay.
13	[1] JOHN ROBERTS	August 4, 2015	Listing of sniper telescope with tripod and carrying case for sale on eBay.
14	[2] CORY WILSON	August 18, 2015	Listing of grip for an M249 machine gun, advertised as "USGI" and "new", for sale on eBay.

Count	Defendant	Date of Wire	Description of Interstate Wire
15	[2] <b>CORY WILSON</b>	September 14, 2015	Email to eBay buyer in Thailand.
16	[1] <b>JOHN ROBERTS</b>	January 14, 2016	Listing of "red dot" sight for sale on eBay.
17	[2] <b>CORY WILSON</b>	January 18, 2016	Listing of concussion monitoring device set, advertised as "USGI," for sale on eBay.
18	[2] <b>CORY WILSON</b>	March 4, 2016	Listing of night vision goggle head mount, labeled "new in bag," for sale on eBay.

All in violation of Title 18, United States Code, Section 1343.

COUNTS NINETEEN THROUGH TWENTY-ONE

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 16 of Count One of this Indictment are incorporated by reference as if fully set forth herein.

2. In or around the dates set forth below with respect to each count, in the Middle District of Tennessee and elsewhere, defendant <sup>3</sup> ~~1~~ **MICHAEL BARLOW** willfully and knowingly, and without authority, did sell, convey, and dispose of property of the United States valued at more than \$1,000, namely:

Count	Date	Description of Item Sold or Conveyed
19	October 2015	U.S. Army generator
20	April 2015	U.S. Army helmet
21	August 2015	U.S. Army M249 machine gun barrels

In violation of Title 18, United States Code, Sections 641 and 2.

COUNTS TWENTY-TWO THROUGH TWENTY-FOUR

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 16 of Count One and paragraphs 1 through 10 of Counts Two through Eighteen of this Indictment are incorporated by reference as if fully set forth herein.

Arms Export Control Act

2. In furtherance of world peace and the security and foreign policy of the United States, the Arms Export Control Act ("AECA") (Title 22, United States Code, Section 2778) authorizes the President of the United States to control the export of "defense articles" by designating items on the United States Munitions List (the "USML").

3. The AECA and its attendant regulations, the International Traffic in Arms Regulations ("ITAR") (Title 22, Code of Federal Regulations, Sections 120-130), require a person to apply for and obtain an export license from the Directorate of Defense Trade Controls ("DDTC") of the United States Department of State before exporting arms, ammunition, or articles of war, which are all classified as defense articles, from the United States. (Title 22, United States Code, Sections 2778(b)(2), and 22 C.F.R. Section 120.1).

4. The ITAR also prohibits the export or attempt to export from the United States of any defense article for which a license or written approval is required. (22 C.F.R. Section 127.1).

5. The ITAR also prohibits the use of any export control document containing a false statement or any misrepresentation or omission of material fact for the purpose of exporting any defense article for which a license or written approval is required. (22 C.F.R. Section 127.2).

6. In the application for an export license, the exporter is required to state, among other things, the nature of the armaments to be exported, the end recipient of the armaments, and the purpose for which the armaments are intended. These factors and others assist the Office of Defense Trade Controls in determining whether the export of the armaments would further the security and foreign policy interests of the United States or would otherwise affect world peace.

7. The defense articles which are subject to such licensing requirements are designated on the USML. Those designations are made by the State Department with concurrence of the Defense Department. (Title 22, United States Code, Section 2778(a)(1), and 22 C.F.R. Section 120.2).

8. The USML covers several classifications of optical and guidance and control equipment, including certain night vision equipment and accessories and attachments for such equipment.

9. Specifically, a Norotos NVG helmet mount was an item covered by Category XII of the USML and was a defense article that could not be exported from the United States without a license issued by the DDTC.

10. Likewise, a Wilcox Industries NVG helmet mount was an item covered by Category XII of the USML and was a defense article that could not be exported from the United States without a license issued by the DDTC.

#### Sales to Overseas Buyers

11. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** sold equipment they had purchased in cash and trade via eBay, and caused this equipment to be shipped to various buyers – including buyers located overseas.

12. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** sold equipment via eBay to users whose eBay contact information indicated that they lived in foreign countries.

13. Defendant [1] **JOHN ROBERTS** sold more than 1,000 items to buyers whose eBay contact information indicated that they lived in foreign countries, including Russia, China, Hong Kong, Kazakhstan, Ukraine, Lithuania, Romania, and Mexico. These sales included, but were not limited to, the following:

a. Defendant [1] **JOHN ROBERTS** sold armored plate carriers, a “USGI” pistol grip, an Army advanced combat helmet, a “USGI” Gentex flight helmet face mask, and a “special forces ACH helmet” to eBay buyers with contact information indicating that they lived in China.

b. Defendant [1] **JOHN ROBERTS** sold armored plate carriers, an Army ACH [advanced communication headset] helmet, a “US Army New Gunner Set Mollie” [Lightweight Load-carrying Equipment], and a Peltor ACH headset kit to eBay buyers with contact information indicating that they lived in Russia.

14. Defendant [2] **CORY WILSON** sold more than 600 items to buyers whose eBay shipping information was located in foreign countries, including Russia, China, Hong Kong, Kazakhstan, Malaysia, Moldova, Romania, and Ukraine. These sales included, but were not limited to, the following:

a. Defendant [2] CORY WILSON sold “new” Gentex flight helmet mounts and “brand new” Gentex flight helmet power packs to eBay buyers with shipping addresses located in China.

b. Defendant [2] **CORY WILSON** sold “new” USGI Gentex flight helmet mounts, “new” NVG flight helmet mounts, and “brand new” Peltor military radios to eBay buyers with shipping addresses located in Russia.

Sale of NVG Helmet Mounts to Overseas Buyers

15. Among the items sold via eBay to buyers in foreign countries by defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** were items listed on the USML, including certain NVG helmet mounts.

16. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** sold and attempted to sell NVG helmet mounts to buyers located outside the United States, including buyers in Russia, Japan, the Netherlands, Australia, Germany, Spain, Switzerland, and India.

17. Sales of NVG helmet mounts to buyers who located in foreign countries included, but were not limited to, the following:

a. On or about October 24, 2014, defendant [1] **JOHN ROBERTS** sold a Wilcox Industries 14 G02 Anvis Mount to an eBay buyer who provided an address in Amsterdam, the Netherlands.

b. On or about January 11, 2015, defendant [1] **JOHN ROBERTS** sold a Norotos NVG helmet mount to an eBay customer who provided an address in Mizoram, India.

c. On or about February 3, 2016, defendant [1] **JOHN ROBERTS** sold a Norotos NVG helmet mount to an eBay customer with an address in Madrid, Spain.

d. On or about February 25, 2016, defendant [2] **CORY WILSON** sold a Norotos NVG helmet mount to an eBay customer who provided an address in Bannwil, Switzerland.

Export of NVG Helmet Mounts

18. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** intended for certain items listed on the USML to be sent to eBay buyers located outside the United States, and took steps to ship these items to these buyers.

19. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** caused items listed on the USML to be shipped and exported to buyers located outside the United States.

20. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** failed to obtain any license or written authorization from DDTC before shipping USML items to buyers located outside the United States.

21. On or about the dates set forth below with respect to each count, in the Middle District of Tennessee and elsewhere, the defendant listed below as to each count, did knowingly and willfully export, cause to be exported, and attempt to export the specified item, which was designated as defense articles in Category XII of the USML, without having first obtained from the United States Department of State, DDTC, a license for such exports, or written authorization for such exports.

Count	Defendant	Date	Description of Item Exported
22	[1] <b>JOHN ROBERTS</b>	October 27, 2014	Wilcox I4 G02 mount, exported to the Netherlands.
23	[1] <b>JOHN ROBERTS</b>	January 11, 2015	Norotos NVG helmet mount, exported to India.
24	[2] <b>CORY WILSON</b>	March 1, 2016	Norotos NVG helmet mount, exported to Switzerland.

All in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c); Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1(a)(1) and 127.3; and Title 18, United States Code, Section 2.

COUNT TWENTY-FIVE

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 16 of Count One and paragraphs 1 through 10 of Counts Two through Eighteen of this Indictment are incorporated by reference as if fully set forth herein.

2. Defendant [2] **CORY WILSON** maintained several eBay accounts that he used to sell U.S. Army equipment that had been stolen and sold without authority.

3. Defendant [2] **CORY WILSON** received payment from items sold on eBay via PayPal.

4. Defendant [2] **CORY WILSON** used funds derived from the sale of U.S. Army equipment that had been stolen and sold without authority to pay for rent on a warehouse in Clarksville, Tennessee that he shared with defendant [1] **JOHN ROBERTS**.

5. Defendant [2] **CORY WILSON** used the same PayPal account that he used to receive proceeds from items sold on eBay to pay rent on this warehouse.

6. Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON** used this warehouse to promote and further a conspiracy and scheme involving U.S. Army equipment that had been stolen and sold without authority, including by storing such equipment at the warehouse and dealing with U.S. Army soldiers at the warehouse.

7. On or about January 3, 2016 in the Middle District of Tennessee and elsewhere, defendant [2] **CORY WILSON** did knowingly conduct and attempt to conduct a financial



transaction affecting interstate commerce, to wit a PayPal payment of \$700, which involved the proceeds of a specified unlawful activity, that is the theft, conversion, receipt, concealment, and retention of stolen U.S. property and sale and conveyance of U.S. property without authority in violation of Title 18, United States Code, Section 641 and wire fraud in violation of Title 18, United States Code, Section 1343, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

#### FORFEITURE ALLEGATIONS

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.

2. Upon conviction of any one of Counts One through Twenty-One, defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER**, jointly and severally, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any property which constitutes or is derived from proceeds traceable to a violation of 18, United States Code, Sections 371, 641, or 1343 including but not limited to a money judgment in an amount to be determined, representing the amount of proceeds obtained as a result of such offense(s).

3. Upon conviction of any one of Counts Twenty-Two through Twenty-Four, Defendants [1] **JOHN ROBERTS** and [2] **CORY WILSON**, jointly and severally, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C)

and Title 28 United States Code, Section 2461(c), any property which constitutes or is derived from proceeds traceable to a violation of Title 22, United States Code, Section 2778 (arms export control act violation) including by not limited to a money judgment in an amount to be determined, representing the amount of proceeds obtained as a result of such offense.

4. Upon conviction of Count Twenty-Five, Defendant [2] **CORY WILSON** shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in the violation of 18, United States Code, Section 1956 (money laundering), or any property traceable to a violation, including proceeds of the violation, including but not limited to a money judgment in an amount to be determined representing the amount of proceeds obtained as a result of such offense.

5. If any of the property described in these Forfeiture Allegations, as a result of any act or omission of defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL BARLOW**, [4] **JONATHAN WOLFORD**, [5] **KYLE HEADE**, [6] **ALEXANDER HOLLIBAUGH**, [7] **DUSTIN NELSON**, and [8] **AARON WARNER**:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property, and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of defendants [1] **JOHN ROBERTS**, [2] **CORY WILSON**, [3] **MICHAEL**

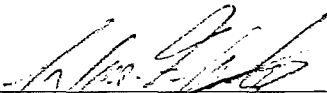
BARLOW, [4] JONATHAN WOLFORD, [5] KYLE HEADE, [6] ALEXANDER HOLLIBAUGH,  
[7] DUSTIN NELSON, and [8] AARON WARNER, up to the value of said property listed above as  
subject to forfeiture.

A TRUE BILL

  
FOREPERSON

10/5/16

  
DAVID RIVERA  
UNITED STATES ATTORNEY

  
WILLIAM F. ABELY  
THOMAS J. JAWORSKI  
ASSISTANT UNITED STATES ATTORNEYS